

Applicant : Yaakov Naparstek et al.
Serial No. : 09/847,637
Filed : May 2, 2001
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Attorney's Docket No.: 13125-002001 / 6433/US/99

REMARKS

Prior to entry of the above amendment, claims 1-23, 25, 36-42, 49-61 and 73-78 are pending, and claims 1-3, 5-7, 13, 15, 16 and 25 are under examination. In a telephonic interview on January 22, 2004, the Examiner stated that claims 1-3, 5, 6 and 25 were allowable. In response to the telephonic interview, Applicants have amended claim 13 and have canceled claims 4, 7-12, 14-23, 36-42 and 73-78.

The Examiner stated that claim 13, reciting a "vaccine", lacked enablement. Although Applicants do not agree with this position, claim 13 has been broadened, as the Examiner suggested, to recite a "composition" instead of a "vaccine", and to remove the "effective amount" language. Claim 13 has been further amended by changing the "optionally" clause to an affirmative limitation. No new matter has been added.

The Examiner indicated that claims 15 and 16, reciting intended use, were not allowable. The Examiner also asserted that claim 7 recites an intended use and was therefore not allowable. Although Applicants disagree that claim 7 is an intended use claim and maintain that claim 7 is allowable as written, in an effort to further prosecution to allowance, claims 7, 15 and 16 have been canceled.

The Examiner considered whether method claims 23, 36-42, 49-61 and 73-78 would be allowable under rejoinder practice. According to the Examiner, claims 23 and 73-78, reciting methods of predicting susceptibility to arthritis, and claims 36-42, reciting methods of treating various conditions, were not adequately enabled. The Examiner asserted that the animal model disclosed in the specification was not a predictive model of arthritis, or of autoimmune diseases in general. Thus, the Examiner concluded that these claims, if rejoined, would be rejected under 35 U.S.C. § 112, ¶1, for lack of enablement. Although maintaining that these claims are fully enabled, Applicants have canceled claims 23, 36-42 and 73-78, reserving the right to pursue them in a divisional application.

The Examiner indicated that claims 49-61, reciting methods for generating antibodies, appeared not to present the same issues as the other method claims, and so may be allowable. Applicants respectfully request that the Examiner rejoin and allow claims 49-61.

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Applicants respectfully request that the Examiner allow all of the claims pending after entry of this amendment. Should the Examiner need to discuss this amendment, she may contact Janis K. Fraser at (617) 542-5070 through January 29, 2004, or Rolando Medina at the same number after February 2, 2004.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Jan. 27, 2004

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